

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Tuesday, the 14th day of June, Two Thousand Eleven

PRESENT

Hon'ble Dr.K.B.S.Rajan : Judicial Member
and
Hon'ble Shri R.Satapathy : Administrative Member

CONTEMPT APPLICATION NO.37/2011 & MA.177/2011
IN
TA. NO.74/2009

BSNL SC/ST Executive Officers Welfare Association - Applicant/ Respondents
in MA.177/2011

-Vs-

1. Shri R.Chandrashekar
Union of India rep. by its
Secretary to Govt
Department of Telecommunication
Ministry of Communication and Information Technology
New Delhi.

-Respondents/ Applicants in
MA.177/2011

2. Shri S.C.Misra
Chairman Cum Managing Director
Bharat Sanchar Nigam Ltd (BSNL)
102-B, Statemens House
148, Barakhamba Road
New Delhi - 110 001.

... Respondents

M/s R.Rajesh Kumar

Counsel for the Applicant



ORDER

The Hon'ble Bench has issued the following order:

"Both sides present. Mr.G.Venkatesan, AGM (Legal) has been present in the Court who has explained the case neatly. He has submitted that the Principal Bench of CAT, in yet another case, dismissed the OA wherein also the impugned seniority dated 17.1.2007 was under challenge.

It has also been submitted that the respondents in the TA are planning to challenge the judgment of the High Court before the Apex Court on the reopening day. Be that as it may be, since the High Court as on date has upheld the order of this Tribunal dated 3.9.2010 whereby the impugned seniority dated 17.1.2007 stands set aside, there is no question of operating the said quashed seniority for any promotion unless a stay is obtained by the respondents from the Apex Court.

Mr.G.Venkatesan and the counsel for the respondents Mr.S.Udayakumar seek some more time to get instructions from the Corporate office, Delhi. As regards the contempt application, Union of India has filed MA.177 of 2011 praying for deletion of the name of the Secretary, Union of India, as the implementation of the order dated 3.9.2010 has to be made only by BSNL(R-2), as all the documents/records has already been transferred to BSNL by the DOT as early as in 2008. BSNL shall seek instructions in this regard also from the corporate office and report it on 6.7.2011.

This order may be communicated to the parties.

(TRUE COPY)

Manjula Muralidharan
21/6/11

REGISTRAR

To

1. Shri R.Chandrashekar
Union of India rep. by its
Secretary to Govt
Department of Telecommunication
Ministry of Communication and Information Technology
New Delhi.
2. Shri S.C.Misra
Chairman Cum Managing Director
Bharat Sanchar Nigam Ltd (BSNL)
102-B, Statemens House
148, Barakhamba Road
New Delhi - 110 001.
3. Mr.R.Rajeshkumar
Advocate,
No.317, Addl Law Chambers,
High Court Building,
Chennai - 600 104.
4. Mr.C.V.Ramachandramoorthy
ACGSC,
No.360, New Law Chamber,
High Court,
Chennai.

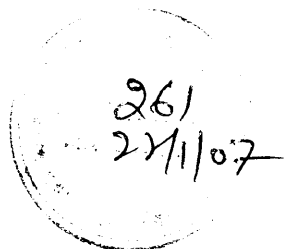


No. 15-15/2003-STG.II

Government of India

Ministry of Communications & Information Technology
Department of Telecommunications

333
19/1



421, Sanchar Bhavan,
20-Ashoka Road,
New Delhi-110 001.

Dated the 17th January, 2007.

To

1. The Chairman & Managing Director, BSNL, New Delhi.
2. The Chairman & Managing Director, MTNL, New Delhi.

Subject : Issue of final seniority list of SC/ST officers of TES Group 'B'.

- Reference :
- (i) DoT letter No. 16-1/2002-STG.II dated 29/07/2002.
 - (ii) DoT letter No. 16-1/2002-STG.II dated 04/09/2002.
 - (iii) DoT letter No. 16-2/2002-STG.II dated 13/11/2002.
 - (iv) DoT letter No. 15-15/2003-STG.II dated 26/07/2004.
 - (v) DoT letter No. 15-15/2003-STG.II dated 23/11/2005.

Sir,

In continuation of this office letter of even number dated 23/11/2005, under reference (v) above, and in compliance of order dated 29/09/2006 of Hon'ble High Court of Madras in WP No. 26134/2005 & WPMP No. 16885-16886/2006 titled "P. Gangadharan Vs UOI" and order dated 23/11/2006 of Hon'ble CAT, Principal Bench, New Delhi in OA No. 742/2006 titled "All India SC/ST Telecom Employees Welfare Association Vs UOI", I am directed to forward herewith final seniority list of SC/ST officers of TES Group 'B' for circulation among all concerned.

2. The earlier seniority number allotted to these officers in seniority lists No. 3-5 may be treated as cancelled as they have been placed at appropriate places in the revised seniority list attached herewith.

Yours faithfully,

[B.M. David]

Under Secretary to the Govt. of India
Tele No. 23036282/Fax No. 23716099

JT-DDM (P)
on leave
A22e (P-11)

Encl : As above

Handwritten initials and date 19/11

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Handwritten initials and date 24/1/07

Handwritten initials and date 23/11/07

Handwritten initials and date 23/11/07

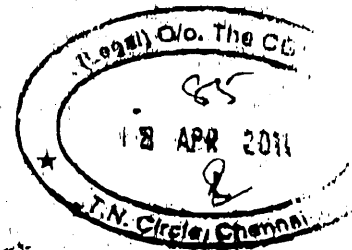
Handwritten initials and date 23/11/07

Final revised seniority list of SC/ST officers of TES Group 'B'

Sl.No.	Sr. No.	Staff No.	Name	Cat.	D.O.B	QLF	EXM	REC.YR.
1451	17198.316	19092	V.A. SIRSIKAR	ST	02/10/52	11	91	83
1452	17198.317	33780	T RADHAKRISHNAN	SC	04/20/61	11	91	83
1453	17198.318	19139	M L MURMU	ST	02/06/62	11	91	83
1454	17198.319	33228	D.P. CHAUDHARY	SC	06/01/47	11	91	83
1455	17198.320	30072	R.K. MEENA	ST	07/01/58	11	91	83
1456	17198.321	33265	N.B. RAJKUMAR	SC	11/14/59	11	91	83
1457	17198.322	19121	GHAN SHYAM	ST	03/12/52	11	91	83
1458	17198.323	33079	V RADHAKRISHNAN	SC	19/09/48	11	91	83
1459	17198.324	33289	A. GANGADHAR	SC	08/12/56	11	91	84
1460	17198.325	33263	D.V.P. RATNAKAR	SC		11	91	84
1461	17198.326	33261	GHARU RAM	SC	06/02/58	11	91	84
1462	17198.327	19108	J P MEENA	ST	06/04/56	11	91	84
1463	17198.328	19115	S.A. JOUNJALE	ST	03/25/50	11	91	84
1464	17198.329	33262	SOM NATH RAJWAL	SC		11	91	84
1465	17198.330	33269	VIJAYA BHASKAR MURARI	SC	02/01/50	11	91	84
1466	17198.331	33205	SUBIRMOY ROY	SC	05/05/64	11	91	84
1467	17198.332	33177	BALVEER SINGH	SC	05/01/62	11	91	84
1468	17198.333	33138	SITA RAM	ST	07/01/55	11	91	84
1469	17198.334	33267	P. CHIRANJEEVI BABU	SC	03/20/59	11	91	84
1470	17198.335	33120	U.N. RAM	SC	08/10/58	11	91	84
1471	17198.336	19119	L. RAMASAMY	ST	07/06/49	11	91	84
1472	17198.337	33116	BALWANT RAI	SC	07/06/56	11	91	84
1473	17198.338	33118	KEWAL KRISHAN	SC	04/03/52	11	91	84
1474	17198.339	33178	JOGINDER PAL	SC	12/12/54	11	91	84
1475	17198.340	33136	S.K. BHOWMIK	SC	02/07/55	11	91	84
1476	17198.341	37587	T PALANI	SC	17/1/59	11	91	84
1477	17198.342	33075	P. ANBUMANI	SC	08/19/52	11	91	84
1478	17198.343	33179	RAM BHULE SINGH	SC	07/01/53	11	91	84
1479	17198.344	33128	D.C. BARMA	SC	09/02/51	11	91	84
1480	17198.345	19093	J.B. CHILGAR	ST		11	91	84
1481	17198.346	33204	ARJUN SINGH	SC	10/23/54	11	91	84
1482	17198.347	33273	CH. RAVICHANDRA RAO	SC	05/23/50	11	91	84

TAILS

Staff Mumb



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22 - 02 - 2011

Goran

The Honourable Mr. Justice ELIPH DHARMA RAO
and
The Honourable Mr. Justice D. NARIPARANTHAN

W.P. No. 4057 of 2011
and
M.P. No. 1 of 2011

1. **Union of India**
Rep. by the Secretary to Government
Department of Telecommunication
Ministry of Communication and
Information Technology
421 Manchar Bhawan
20 Ashoka Road, New Delhi
 2. **The Chairman - cum - Managing Director**
Bharat Sanchar Nigam Limited (BSNL)
102 - B, Statements Road
14B Saraknamba Road
New Delhi
- .. Petitioners
- vs.
1. **BSNL SC/ST Executive Officers**
Welfare Association
No. 20, 3rd Street
Shanthi Nagar
Chennai
Rep. by its Secretary
G. Ramechandran
 2. **The Central Administrative Tribunal**
Rep. by its Registrar,
(City Civil Court building)
Chennai-104
- ... Respondents

Petition under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records relating to the order dated 03.9.2010 passed in T.A. No. 74 of 2009 on the file of the Central Administrative Tribunal, Madras Bench, Chennai.

AO 0056231

respondent Association were appointed as Junior Engineers and subsequently promoted as Assistant Engineers in the BSNL and that the said posts have been re-designated as Junior Telecom Officers (JTO) and Sub-Divisional Engineer (SDE) respectively. It is not in dispute that the eligibility lists were prepared in accordance with the Recruitment Rules then prevailed which contemplated "the year of passing the qualifying examination" and were put to Departmental Promotion Committee (DPC) and on clearance of DPC, the officials were promoted in the years 1990, 1993 and 1994 and were given seniority. It is also seen that based on the judgment of the Hon'ble Supreme Court, fixation of seniority of the employees was done based on the principle of "year of recruitment". Further, only with a view to safeguard the interest of SC / ST employees, Parliament amended the Constitution by way of 85th Amendment under which Article 16(4) was amended to the effect that reservation could be provided "in Matter of Promotion, with consequential seniority" by the State.

7. A perusal of the records would show that the authorities have withdrawn the earlier seniority lists and finalised afresh with the revised Seniority List without any basis thereby adversely affecting the seniority position of the reserved employees who gained benefit under Rule of Reservation / Roster. If there is any mistake or error in the fixation of seniority, it is the primary duty and responsibility of the authorities to show such instances and requirement for corrections, providing opportunity and finalise the seniority list after considering the objections, if any, following the procedure. But in the instant case, the authorities have not made any such efforts. The argument of the learned counsel that because of some errors crept in while preparing the earlier seniority list, it was necessitated for revision is only to substantiate the issuance of revised Seniority List dated 17.01.2007. Even before this Court, the petitioners are not able to explain as to what is the error crept in while preparing the earlier seniority lists during the year 2002 warranting them to revise the same.

8. In view of the above, we do not find any illegality or irregularity in the order passed by the Tribunal. Accordingly, the writ petition will stand dismissed. However, there will be no order as to costs. Connected Miscellaneous Petition is closed.

Bd/
Asst. Registrar

/true copy/

For *Rm 8-4-2011*
Sub Asst. Registrar

AO 005623